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04772 U.S. PTO

EV283744225US

Patent

Attorney Docket: 816020-100058US
Express Mail No. EV 283744225 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 816020-100058US
First Named Inventor: Hosheng Tu
Prior Application Information:
Serial No. 09/853,463
Examiner: Matthews, William H.
Art Unit: 3738

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation divisional continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/853,463 filed on 05/10/2001, by

Tu, Hosheng and Quijano, Rodolfo C., entitled:

DELIVERY SYSTEM FOR A STENTLESS VALVE BIOPROSTHESIS

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

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10/724328

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CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 283744225 US
Express Mail Label No.

November 26, 2003
Date of Deposit
LAI-2076005v1

Beth Marchese
Name of Person Mailing Paper
Beth Marchese
Signature of Person Mailing Paper

I. APPLICATION ELEMENTS ENCLOSED

11 Page(s) of Written Description

2 Page(s) of Claims

1 Page(s) of Abstract

7 Sheet(s) of Drawings formal informal

2 Page(s) of Declaration or Declaration and Power of Attorney

Copy from prior application [37 CFR §1.63(d)]

Newly executed

Other:

Assignment papers (cover sheet and documents(s))

An Information Disclosure Statement, PTO 1449, with copies of cited items.

Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. FEE CALCULATION

Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:						\$770.00
Total Claims	7	-	20	=	0	x \$18.00
Independent Claims	1	-	3	=	0	x \$80.00
Multiple Dependent Claims	\$270	(if applicable)				\$0.00
TOTAL OF ABOVE CALCULATIONS						\$0.00
Reduction by ½ for Filing by Small Entity.				<input checked="" type="checkbox"/>		(385.00)
Misc. Filing Fees (Recordation of Assignment)						\$0.00
TOTAL FEES DUE HEREWITH						\$385.00

III. PRIORITY - 35 USC § 119

Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 USC § 119.

The certified copy has been filed in prior U.S. application Serial No. _____ on _____.

The certified copy will follow.

IV. AMENDMENTS

A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

Relate back information included in preliminary amendment or specification.

Please amend the specification as follows:

With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:

the same.

less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

[Name(s) of inventor(s) to be deleted]

VI. METHOD OF PAYMENT OF FEES

Attached is a check in the amount of ____.

Charge Jones Day's Deposit Account No. **50-2468** in the amount of \$385.00.

Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Jones Day's Deposit Account No. **50-2468** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2468**:

37 CFR § 1.16 (Filing fees and excess claims fees)

37 CFR § 1.17 (Application processing fees)

37 CFR § 1.21 (Assignment recordation fees)

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VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on May 22, 2003 in prior application Serial No. 09/853,463.
- A new power has been executed and is attached.

Please send all correspondence to Customer Number 34026:

34026 JONES DAY
PATENT TRADEMARK OFFICE 555 W. Fifth Street, Suite 4600
Los Angeles, CA 90013-1025
Tel.: (213) 489-3939

Please direct all inquiries to Steven J. Corr, at the above Customer Number and address.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

X. ABANDONMENT OF PRIOR APPLICATION

Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

JONES DAY

By: Steven J. Corr
Steven J. Corr
Reg. No. 52,427

Dated: November 26, 2002

Enclosures

Patent
Attorney Docket: 816020-100058US
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3f Therapeutics, Inc.
Name of Assignee

20412 James Bay Circle, Lake Forest, CA 92630
Address of Assignee

CEO
Title of person authorized to sign on behalf of assignee

Assignment papers enclosed herewith.